

1 D. EDWARD HAYS, #162507  
ehays@marshackhays.com  
2 DAVID A. WOOD, #272406  
dwood@marshackhays.com  
3 TINHO MANG, #322146  
tmang@marshackhays.com  
4 MARSHACK HAYS LLP  
870 Roosevelt Avenue  
5 Irvine, CA 92620  
Telephone: (949) 333-7777  
6 Facsimile: (949) 333-7778

7 Attorneys for Chapter 7 Trustee,  
RICHARD A. MARSHACK  
8

9 UNITED STATES BANKRUPTCY COURT  
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION  
11

12 In re  
13 NORTHERN HOLDING, LLC,  
14 Debtor.

Case No. 8:20-bk-13014-MW

Chapter 7

STIPULATION BETWEEN CHAPTER 7  
TRUSTEE AND SECURED CREDITOR  
TO RESOLVE MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY IN  
FAVOR OF FARM CREDIT WEST,  
FCLA

Continued Hearing:

Date: August 30, 2021

Time: 2:00 p.m.

Ctrm: 6C<sup>1</sup>

Address: 411 W. Fourth Street, Santa Ana,  
CA 92701

21 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE, THE  
22 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

23 This stipulation is entered into between Richard A. Marshack, in his capacity as Chapter 7  
24 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of Northern Holding, LLC (“Debtor”), on  
25 one hand, and Farm Credit West, FCLA (“FCW”), on the other hand, through undersigned counsel,  
26 with regard to the motion for relief from the automatic stay filed by FCW on November 6, 2020, as  
27

28 <sup>1</sup> Effective as of July 19, 2021, in-person hearing appearances are allowed before Judge Wallace.  
Otherwise, telephonic appearances are permitted pursuant to the Court’s procedures.

1 Docket No. 11 ("Motion"). Collectively, the Trustee and FCW will be referred to as the "Parties."

2 **Recitals**

3 A. On October 28, 2020, Debtor filed a voluntary petition for bankruptcy under Chapter  
4 11 of Title 11 of the United States Code. FCW is the senior secured lender holding a lien on  
5 substantially all assets of the Debtor.

6 B. On November 6, 2020, as Dk. No. 11, FCW filed the Motion. The Motion was  
7 opposed by the Debtor.

8 C. On December 2, 2020, as Dk. No. 32, the Court entered an order continuing the  
9 hearing on the Motion to March 22, 2021.

10 D. The hearing on the Motion was further continued to June 14, 2021. *See* Dk. No. 94.

11 E. On June 15, 2021, as Dk. No. 116, the Court entered an order converting the case to  
12 Chapter 7. Richard A. Marshack is the duly-appointed and acting Chapter 7 trustee for the Estate.

13 F. On June 30, 2021, as Dk. No. 128, the Court entered an order granting limited relief  
14 on the Motion and scheduling a final hearing on the Motion for August 2, 2021.

15 G. On July 19, 2021, as Dk. No. 144, the Parties filed a stipulation to modify certain  
16 responsive pleading deadlines for the Motion.

17 H. On July 27, 2021, as Dk. No. 158, the Parties filed a further stipulation to continue  
18 the hearing on the Motion to August 30, 2021 and carry over the modified responsive deadlines.

19 I. The Parties continue to negotiate regarding the proposed distribution of proceeds on a  
20 pending offer for the purchase of the Live Oak Property, preservation of FCW's collateral, and for  
21 the funding of any further case administration or operational expenses.

22 J. The Parties wish to avoid the inconvenience and uncertainty resulting from further  
23 continuances of the hearing on the Motion. FCW and the Trustee will continue to work  
24 cooperatively to communicate regarding the Trustee's proposed course of administration of Estate  
25 assets and the sale of the properties. In the meantime, the Parties stipulate to the granting of the  
26 Motion on the terms and conditions states below:

27 The Parties agree and STIPULATE as follows:  
28

1 1. The Motion shall be granted and relief from stay shall be granted to FCW effective  
2 immediately;

3 2. Before December 1, 2021 ("Enforcement Date"), FCW shall not take any  
4 enforcement action or conduct any foreclosure sale against any real property of the Estate, including  
5 the real property located at 2380 Live Oak Road, Paso Robles, CA ("Live Oak Property"), the real  
6 property located at 1172 San Marcos Road, Paso Robles, CA ("San Marcos Property"), and the real  
7 property referred to as the Texas Road Property;

8 3. If, prior to the Enforcement Date, the Trustee has filed a motion with the Court  
9 seeking approval a sale of one or more of the real property parcels identified in Paragraph 2 above  
10 on terms that are supported by FCW, then the Enforcement Date shall be extended to the sooner of:  
11 (1) the estimated date for the closing of escrow for the Court-approved sale of real property; or (2)  
12 January 31, 2021;

13 4. The Enforcement Date may be further extended or modified by written agreement of  
14 the Parties; and

15 5. This stipulation may be executed in one or more counterparts and facsimile or  
16 electronic signatures may be used in filing this document with the Court.

17  
18 Dated: August 24, 2021

FRANZDEL ROBINS BLOOM & CSATO, L.C.

19  
20 By: 

REED S. WADDELL  
MICHAEL J. GOMEZ

21  
22 Dated: August \_\_, 2021

MARSHACK HAYS LLP

23  
24 By: 

D. EDWARD HAYS  
TINH MANG  
Attorneys for Chapter 7 Trustee  
RICHARD A. MARSHACK

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **STIPULATION BETWEEN CHAPTER 7 TRUSTEE AND SECURED CREDITOR TO RESOLVE MOTION FOR RELIEF FROM THE AUTOMATIC STAY IN FAVOR OF FARM CREDIT WEST, FCLA** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 26, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **August 26, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**DEBTOR**

NORTHERN HOLDING, LLC  
ATTN: OFFICER, A MANAGING OR  
GENERAL AGENT, OR TO ANY OTHER  
AGENT AUTHORIZED BY APPOINTMENT  
OR LAW TO RECEIVE SERVICE  
13217 JAMBOREE RD #429  
TUSTIN, CA 92782

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 26, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY: PRESIDING JUDGE'S COPY**

HONORABLE MARK S. WALLACE  
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA  
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE  
411 WEST FOURTH STREET, SUITE 6135 / COURTROOM 6C  
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 26, 2021      Layla Buchanan  
Date                      Printed Name

/s/ Layla Buchanan  
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titledxi.com
- **ATTORNEY FOR INTERESTED PARTY BANK DIRECT CAPITAL FINANCE:** Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com; ccaldwell@sulmeyerlaw.com
- **ATTORNEY FOR DEBTOR NORTHERN HOLDING LLC:** Roksana D. Moradi-Brovia roksana@rhmfirm.com, matt@rhmfirm.com; janita@rhmfirm.com; susie@rhmfirm.com; max@rhmfirm.com; priscilla@rhmfirm.com; pardis@rhmfirm.com; russ@rhmfirm.com; rebecca@rhmfirm.com; david@rhmfirm.com; sloan@rhmfirm.com
- **ATTORNEY FOR CREDITOR ADLER BELMONT GROUP, INC.:** Paul F Ready tamara@farmerandready.com
- **ATTORNEY FOR DEBTOR NORTHERN HOLDING LLC:** Matthew D. Resnik matt@rhmfirm.com, roksana@rhmfirm.com; janita@rhmfirm.com; susie@rhmfirm.com; max@rhmfirm.com; priscilla@rhmfirm.com; pardis@rhmfirm.com; russ@rhmfirm.com; rebecca@rhmfirm.com; david@rhmfirm.com; sloan@rhmfirm.com
- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
- **INTERESTED PARTY COURTESY NEF:** David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com